



06-24-02
DOCKET NO. NIH-0108

AF/16004
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Peter Collins, Brian Murphy, Stephen Whitehead

Serial No.: 09/291,894

Group Art Unit: 1642

Filing Date: April 13, 1999

Examiner: B. Brumback

For: PRODUCTION OF ATTENUATED CHIMERIC RESPIRATORY SYNCYTIAL
VIRUS VACCINES FROM CLONED NUCLEOTIDE SEQUENCES

EXPRESS MAIL LABEL NO.: EL695382944US
DATE OF MAILING: June 20, 2002

BOX AF
Commissioner for Patents
Washington, DC 20231

EL695382944US

Sir:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Applicants hereby appeal to the Board of Appeals from the Decision of the
Primary Examiner mailed December 20, 2001, finally rejecting claims 1-12, 16, 18-21,
35, 46-59, 64 and 65 of the above-identified patent application.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.

☐ Applicant(s) by its/their undersigned attorney, claims small entity status
under 37 CFR §1.27 as:

☐ an Independent Inventor 01 FC:117
02 FC:119

☐ a Small Business Concern

☐ a Nonprofit Organization

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920.00 OP
320.00 OP

2. EXTENSION OF TIME

The proceedings herein are for a patent application and the provisions of 37 CFR
1.136 apply.

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- ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(4)) for the total number of months checked below:

	SMALL ENTITY		NOT SMALL ENTITY	
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$200	\$	\$400	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$460	\$	\$920	\$920
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$980	\$	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$)
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$160	\$	\$320	\$320
TOTAL FEE DUE		\$		\$1240

3. FEE PAYMENT

- ☒ A check in the amount of \$1,240 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$_____. A duplicate of this transmittal is attached.

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

Date: _____

6/20/02



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